REMARKS

The Applicants have carefully considered the official action dated March 23, 2009. By way of this response, the Applicants have amended claims 1, 2, 13, and 22 to make some clarifying amendments. The Applicants respectfully request entry of these amendments to place the application in better condition for appeal. In view of the following remarks, the Applicants respectfully traverse the rejections and submit that all claims are in condition for allowance. Favorable notice to that effect is earnestly solicited.

I. Independent Claim 1

The Applicants respectfully submit that independent claim 1 is allowable over the combination of Coile et al. (US 6,108,300) and Chen et al. (US 2005/0013242). Independent claim 1 is directed to a method and recites, among other things, providing a network management module to receive a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells. The Applicants respectfully submit that the combination of Coile et al. and Chen et al. do not teach or suggest such a method.

Chen et al. describe receiving a failure message from a device located downstream, close to a failure point, but do not describe that the failure message includes status information indicating that a switch in the data network is discarding frames or cells. The official action indicates that while Chen et al. state that the failure notification can be sent when there is a failed link or failed device, it would have been obvious that the conditions are similar. The official action further indicates that Chen et al. state that when there is a failed device, the techniques used with regard to the failed link can be used with regard to the failed device (official action cites *Chen et al.*, ¶ 23). However, this portion of Chen et al. refers to a technique for rerouting data, but it does not refer to a technique for determining that a switch is discarding frames or cells. That is, although Chen et al. describe rerouting around a failed network device (*Chen et al.*, ¶ 23), Chen et al. do not describe how to determine with any amount of certainty that the network device has indeed failed.

Claim 1 involves receiving trap data comprising status information indicating that a switch in the data network is discarding frames or cells. As such, claim 1 enables specifically identifying with certainty that a failure is due to a switch. In contrast, Chen et al. do not provide such certainty, but instead only indicate that a failure has occurred. Thus, an advantage of claim 1 over Chen et al. involves using trap data comprising status information to specifically indicate a failure of a switch leaving no need for further investigation or guess work to determine what is failing. Chen et al., on the other hand, do not provide such specific failure information and, thus, a maintenance department using the system of Chen et al. would have to perform further investigation to determine whether a failure is due to a switch or some other element or device. Accordingly, the Applicants respectfully submit that Chen et al. do not teach or suggest providing a network management module to receive a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells.

In view of the foregoing, the Applicants respectfully submit that independent claim 1 and all claims dependent thereon are in condition for allowance.

II. Independent Claim 13

The Applicants respectfully submit that independent claim 13 is allowable over Coile et al., Chen et al., and Ashton et al. (US 6,181,679). Independent claim 13 is directed to a system and recites, among other things, a network management module to receive a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells. For at least the reasons discussed above in connection with independent claim 1, the Applicants respectfully submit that the suggested combination of Coile et al., Chen et al., and Ashton et al. do not render claim 13 *prima facie* obvious. In particular, Chen et al. do not teach or suggest a network management module to receive a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is

discarding frames or cells. Neither Coile et al. nor Ashton et al. overcome these deficiencies. Accordingly, the Applicants respectfully submit that independent claim 13 and all claims dependent thereon are in condition for allowance.

III. Independent Claim 22

The Applicants respectfully submit that independent claim 22 is allowable over Coile et al., Chen et al., and Ashton et al. Independent claim 22 is directed to a method and recites, among other things, providing a network management module to receive a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells. For at least the reasons discussed above in connection with independent claim 1, the Applicants respectfully submit that the suggested combination of Coile et al., Chen et al., and Ashton et al. do not render claim 22 *prima facie* obvious. In particular, Chen et al. do not teach or suggest providing a network management module for receiving a customer report indicating a network circuit failure in a data network, wherein the network circuit failure is detected by receiving trap data indicating the network circuit failure, wherein the trap data comprises status information indicating that a switch in the data network is discarding frames or cells. Neither Coile et al. nor Ashton et al. overcome these deficiencies. Accordingly, the Applicants respectfully submit that independent claim 22 and all claims dependent thereon are in condition for allowance.

IV. Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount submitted or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455. Please refund any overpayment to Hanley, Flight & Zimmerman, LLC, at the address below.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

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